

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|----------------------|---|-------------------------------|
| BAVARIAN NORDIC A/S, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 05-614 (SLR) |
| |) | |
| ACAMBIS INC. and |) | |
| ACAMBIS, PLC, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**NOTICE OF SUBPOENA TO THE NATIONAL INSTITUTES OF HEALTH
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Plaintiff Bavarian Nordic A/S ("Bavarian Nordic"), will take the deposition upon oral examination of a designee of National Institutes of Health. The deposition will commence on August 8, 2006 at 9:00 a.m. at the offices of Bingham McCutchen LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007.

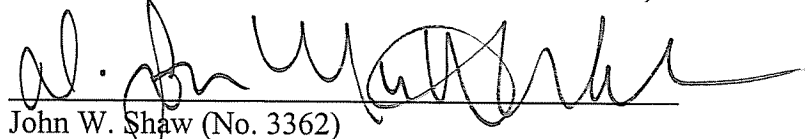
NOTICE IS FURTHER GIVEN THAT the deposition may be recorded stenographically through instant visual display of testimony (real-time), by certified shorthand reporter and notary public or such other person authorized to administer oaths under the laws of the United States, and shall continue from day to day until completed. This deposition may be videotaped.

NOTICE IS FURTHER GIVEN THAT National Institutes of Health is instructed to produce documents, identified in the attached Subpoena, at the offices of Bingham

McCutchen LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007 by 9:00 a.m. on August 4, 2006.

NOTICE IS FURTHER GIVEN THAT pursuant to the Federal Rules of Civil Procedure, Bavarian Nordic has served upon National Institutes of Health a Subpoena in a Civil Case. Attached hereto as Exhibit A is a true and correct copy of that Subpoena.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

A handwritten signature in black ink, appearing to read "John W. Shaw", is written over a horizontal line.

John W. Shaw (No. 3362)
D. Fon Muttamara-Walker (No. 4646)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, DE 19801
(302) 571-6600
fmuttamara-walker@ycst.com

-and-

Edward A. Pennington
Robert C. Bertin
Stephanie D. Scruggs
SWIDLER BERLIN LLP
3000 K Street, N.W.
The Washington Harbour
Washington, D.C. 20007
(202) 424-7500

Attorneys for Plaintiff Bavarian Nordic

Dated: July 27, 2006

CERTIFICATE OF SERVICE

I, D. Fon Muttamara-Walker, Esquire, hereby certify that on July 27, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

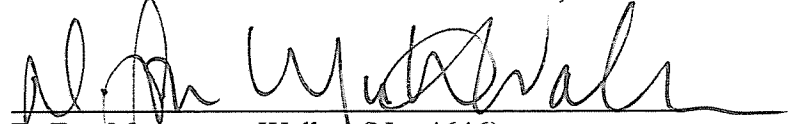
Mary B. Graham [mbgefiling@mnat.com]
James Walter Parrett, Jr. [jparrett@mnat.com]
MORRIS, NICHOLS, ARSHT & TUNNELL LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200

I further certify that on July 27, 2006, I caused a copy of the foregoing document to be served on the above-listed counsel by hand delivery and on the following non-registered participants in the manner indicated:

By E-Mail and Federal Express

William D. Coston [wdcoston@venable.com]
VENABLE LLP
575 7th Street, NW
Washington, DC 20004-1601
(202) 344-4000

YOUNG CONAWAY STARGATT & TAYLOR, LLP



D. Fon Muttamara-Walker (No. 4646)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
Email: fmuttamara-walker@ycst.com
Attorneys for Plaintiff, Bavarian Nordic A/S